

## **R E M A R K S**

Claims 1-31 are pending in the application. Claims 1-31 have been rejected.

Claim 17 was objected to for a minor informality which has been corrected herein.

Claims 1-3, 5, 17 and 19 have been amended to clarify the claimed invention in order to clarify that a server, a method or a system includes a database having a piece of spatial range information.

Claim 9 is amended to depend on claim 2.

Claims 10 and 12-14 have been cancelled without prejudice.

Claims 15 and 16 have been amended to independent form and to further clarify the claimed invention.

Claims 18 and 20 have also been amended to make minor clarifications to applicant's claimed invention.

Claim 31 has been amended to depend from claim 1 and claim 32 is newly added and depends from claim 1. These claims recite that the spatial range information of amended claim 1 specifies the spatial range in a two-dimensional space and in a three-dimensional space, respectively.

### Claim Rejections

Claims 9, 10, 13-16, 18, and 31 were rejected under 35 USC §112, second paragraph, as being indefinite. In view of the clarifying amendments, it is respectfully requested the rejection be withdrawn.

Claim 15 was rejected under 35 USC §101 as lacking patentable utility.

The independent claim 15 recites the subject matter more specifically. Applicant's

claimed invention provides the features where it is possible to judge whether a user's hand which is being used is the right hand or the left hand.

It is therefore evident that amended claim 15 has patentable utility since the MPEP 2197.02 states "In most cases, an applicant's assertion of utility creates a presumption of utility that will be sufficient to satisfy the utility requirement of 35 U.S.C. 101. See, e.g., *In re Jolles*, 628 F.2d 1322, 206 USPQ 885 (CCPA 1980); *In re Irons*, 340 F.2d 974, 144 USPQ 351 (CCPA 1965); *In re Langer*, 503 F.2d 1380, 183 USPQ 288 (CCPA 1974); *In re Sichert*, 566 F.2d 1154, 1159, 196 USPQ 209, 212-13 (CCPA 1977). As the Court of Customs and Patent Appeals stated in *In re Langer*" and

"Compliance with 35 U.S.C. 101 is a question of fact. *Raytheon v. Roper*, 724 F.2d 951, 956, 220 USPQ 592, 596 (Fed. Cir. 1983) *cert. denied*, 469 U.S. 835 (1984). Thus, to overcome the presumption of truth that an assertion of utility by the applicant enjoys, Office personnel must establish that it is more likely than not that one of ordinary skill in the art would doubt (i.e., "question") the truth of the statement of utility. The evidentiary standard to be used throughout *ex parte* examination in setting forth a rejection is a preponderance of the totality of the evidence under consideration."

Claim 15 recites that a user terminal has a hand-in-use discriminating section for judging whether a user's hand being used is the right hand or the left hand by detecting the number of fingers touching on each of the right and left sides of a housing, wherein the hand-in-use decision section judges the user's hand is the right hand when four fingers are detected on the left side of the housing and one finger is detected on the right side of the housing as facing a displaying section, and judges the user's hand is the left hand when one finger is detected on the left side of the housing and four fingers are detected on the right side of the housing as facing the

displaying section.

Claims 1-6, 9-14, and 16-31 were rejected under 35 USC §102(e) as being anticipated by Maruyama et al. (6,748,317, hereinafter Maruyama) and claims 7 and 8 were rejected under 35 USC §103(a) as being unpatentable over Maruyama in view of Gaspard, II (6,411,897).

Applicant's claim 1 recites that a server has a database, an extracting section, and a providing section.

The database retains plural pieces of bubble data, each of the bubble data pieces having a piece of spatial range information, which specifies a spatial range in a space, and a piece of retrieval information, which is associated with the spatial range information piece and is linked to a piece of service information.

In contrast Maruyama discloses that a spatial information database includes map information and contents information about movies, entertainment, and business events, etc. However, the spatial information database of Maruyama does not have any data corresponding to the bubble data of applicant's claimed invention.

Further in applicant's claim 1 the extracting section retrieves from the database a spatial range information piece whose spatial range includes a position that accords with the positional information piece, and extracting a retrieval information piece associated with the retrieved spatial range information piece from the database.

In contrast Maruyama does not disclose specifically the relationship between the location information and the map information, etc.

Further in applicant's claim 1 the providing section provides the user terminal with a service information piece linked with the retrieval information extracted by the extracting

section.

In contrast Maruyama fails to disclose or suggest the way to provide the user terminal with the service information, and Maruyama is silent about the spatial range information.

Claims 2, 3, 5, 17, and 19 also recite that, at least one of, a server, a method or a system includes a database having a piece of spatial range information substantially identical to that of claim 1.

For at least the foregoing reasons as mentioned above in claim 1, Maruyama fails to disclose or suggest all of the features of claims 1-3, 5, 17, and 19. Therefore it is respectfully requested the rejection be withdrawn.

Although not rejected by Gaspard II, this reference is also totally silent about the above-mentioned features lacking in Maruyama. Therefore, the combination of Maruyama and Gaspard II would likewise fail to disclose or suggest the features of claim 1.

Claims 4, 6-9, 18, 20-26, and 29 as either original or amended, each depend directly or indirectly from amended claims 1, 3, 17, and 19 and should be allowed for at least the foregoing reasons and because they recite the additional features.

With regard to dependent claims 7 and 8, Gaspard II is also totally silent about the above-mentioned features lacking in Maruyama.

The combination of Maruyama and Gaspard II therefore fail to disclose or suggest the features of claims 7 and 8. In the absence of a considerable reconstruction to the cited references, any expert in the art would not reach the subject matter recited in claims 7 and 8. Therefore it is respectfully requested the rejection be withdrawn.

Claim 15, although not rejected by the prior art, includes the features discussed above and

is different from the combination of cited references. The combination of Maruyama and Gaspard II is totally silent about the above-mentioned feature of claim 15.

Claim 16 recites that the user terminal has a voice guide section for conducting a guide to a place for said specified service information, received in said receiving section, through the use of a speech file. In contrast Maruyama fails to suggest the above-mentioned feature of claim 16. Because Maruyama fails to teach each and every feature, it is respectfully requested the rejection be withdrawn.

Original independent claim 11 recites that a user terminal has a detecting section for detecting positional information including a latitude of an object (i.e. building, store, or the like), a longitude thereof, an altitude thereof, a direction thereof and an inclination angle thereof.

This detecting the positional information is of an object which is other than the user terminal.

Maruyama discloses that a portable terminal has a device for getting location information 77 which only calculates location of the portable terminal itself.

Maruyama fails to disclose or suggest the above-mentioned feature of claim 11 of detecting positional information including a latitude of an object....

Because Maruyama fails to disclose every claimed feature the rejection should be withdrawn.

Original independent claim 27 recites that an information providing service method has a registering step in which a server writes, in a database, positional information transmitted in an information transmitting step and information on a subject to be retrieved.

Maruyama only discloses that a portable terminal may be used to store map information from a database 67c of the application server 67 (Fig. 9) into an external memory device 75 (Fig. 10), which is local memory of the portable terminal 61.

In contrast applicant's registering writes positional information transmitted from a user terminal transmits.

Maruyama fails to disclose or suggest the above-mentioned feature of claim 27, and it should therefore be allowed.

Claim 28 depends directly from original claim 27 and should be allowed for at least the foregoing reasons and because it recites the additional features.

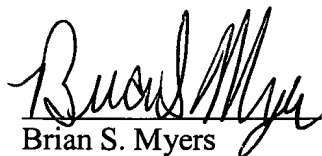
Original claim 30 recites that an information providing service method has a map information acquiring step in which a communication terminal acquires map information, a service providing place selecting step in which the communication terminal selects a desired service providing place from the map information acquired in the map information acquiring step, and a generating step in which a server connected through a network to the communication terminal generates bubble data in association with the place selected in the service providing place selecting step.

Maruyama does not disclose any of the above-mentioned features of claim 30, and it should therefore be allowed.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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